

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RICHARD BOSSUK, :  
:  
Plaintiff, :  
:  
-v- : 21cv8273 (DLC)  
:  
AUGUSTA SPORTSWEAR, INC. et al., :  
:  
Defendants. :  
:  
----- X

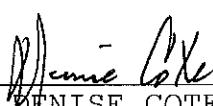
DENISE COTE, District Judge:

On November 22, 2022, the defendants moved for reconsideration of a November 8 Order terminating the defendants' November 4 motion to dismiss. Rule 12(b), Fed. R. Civ. P., states, "A motion asserting any of [the defenses listed in Rule 12(b)] must be made before pleading if a responsive pleading is allowed." Rule 12(b) motions to dismiss under those listed defenses that are filed after an answer are untimely. See, e.g., Lehrer v. J&M Monitoring, Inc., No. 20cv6956, 2022 WL 2392441, at \*4 (S.D.N.Y. July 1, 2022) (collecting cases).

Therefore, it is hereby

ORDERED that the defendants' November 22 motion for reconsideration is denied.

Dated: New York, New York  
November 28, 2022

  
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DENISE COTE  
United States District Judge